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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,501	09/01/2000	Yuji Takahashi	PM 273792	7004

21254 7590 04/24/2006

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EXAMINER

JACKSON JR, JEROME

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/654,501	TAKAHASHI ET AL.	
	Examiner	Art Unit	
	Jerome Jackson Jr.	2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7, 9-13, 16-22, 25-28, 30-34, 38-46 and 50-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9-13, 16-22, 25-28, 30-34, 38-46 and 50-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 86 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "changes continuously" is vague and indefinite. What and how is the continuous change ?

Claims 1-3,6,7,9,10,21,22,26-28,30-34,38,40-42,59,61,62,67,68,78,80,81,86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules, Butterworth, Tsutsui, Nakamura and further in view of Komoto, of record.

Komoto shows gradient dispersion of fluorescent material in a resin in figures 27B, 28B, 29B,...34B, and states in col.24 lines 12-33 that precipitation of fluor material may be adjusted. The new limitations to the claims are not seen to structurally distinguish over Komoto's suggestions. New claim 86 reciting "changes continuously" does not appear to structurally distinguish over Komoto where gravitational precipitation of the fluor during resin curing, as disclosed in Komoto, would result in a continuously changing concentration of fluor. Likewise claim 87 is also rejected as Komoto shows in figure 27B, for example, a gradually larger concentration of fluor away from the emitter due to precipitation. New claim 88 is also rejected as Komoto shows in figure 35, for example, a sealing member resin in the form of a lens and fluor material over the resin. See cols. 27 and 28 of Komoto.

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Claims 11-13, 16-20, 39, 60, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules, Butterworth, Tsutsui, Nakamura, Hampden-Smith and further in view of Komoto, of record.

The previous rejection with the suggestions of Komoto as applied above applies.

Claims 25, 69-71, 73, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules, Butterworth, Tsutsui, Nakamura, Thompson and further in view of Komoto.

The previous rejection with the addition of Komoto's suggestions as stated above applies. In addition, claim 74 was previously addressed and again is rejected in consideration of the additional teachings of Komoto.

Claims 46, 49, 50, 72, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules, Butterworth, Tsutsui, Nakamura, Hampden-Smith, and Komoto.

The previous rejection with the above comments and considerations regarding Komoto applies.

Claims 43-45, 63-66, 82-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules, Butterworth, Tsutsui, Nakamura, Hampden-Smith, Shimizu and further in view of Komoto.

The previous rejection with the additions of Komoto as explained above applies.

Claims 51-58, 76, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules, Butterworth, Tsutsui, Nakamura, Hampden-Smith, Chiyo, and further in view of Komoto.

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The previous rejection with the suggestions of Komoto above applies.

Applicant's arguments with respect to all of the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant states that Komoto does not teach or suggest a "changing" concentration of fluorescent material. This argument is not convincing as Komoto specifically teaches a "changing" concentration effected by gravitational precipitation (col. 24 lines 12-24) and as stated and shown above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

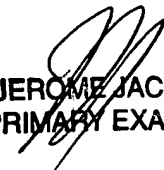
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Jackson Jr. whose telephone number is 571-272-1730. The examiner can normally be reached on M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jj


JEROME JACKSON
PRIMARY EXAMINER